

## **REMARKS**

Claims 1-33, 35, and 36 were pending when last examined, all of which stand rejected. Claims 20 and 36 are amended.

### **Claim Rejections – 35 USC §101**

Claim 36 is rejected under 35 USC 101 for being directed to a non-statutory subject matter. Claim 36 has been amended to be directed to a process that occurs as a result of executing a set of instructions.

### **Claim Rejections – 35 USC §103**

Claims 1-33 and 35 are rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,219,694 to Lazaridis et al. (“Lazaridis”) in view of U.S. Patent No. 5,794,140 to Sawyer (“Sawyer”).

Claim 1 is patentable over Lazaridis and Sawyer because it recites “a user interface unit that generates and transmits a command for configuring a report” and “... a mobile unit ... for automatically generating a report ....” Page 3 of the pending Office Action acknowledges that Lazaridis fails to teach these limitations and states that these limitations are taught in Sawyer’s col. 9, line 56 to col. 10, line 4.

Sawyer discloses a system that monitors cellular phone service resource capacity and transmits an offering message to subscribers when there is excess capacity, so that subscribers may initiate a call at a reduced rate. The cited section of Sawyer describes a cellular phone that automatically responds to such offering message by making a call to a service node. The service node has a database storing information and, in response to the call, this information is downloaded over the cellular phone system to a data terminal connected to the cellular phone. Under the Examiner’s reading of Sawyer, the service node would correspond to the “user interface unit” of Claim 1, and the cellular phone would correspond to the “mobile unit.”

However, even under the Examiner’s reading, Sawyer fails to disclose the system of Claim 1. Specifically, Sawyer’s service node does not correspond to “a user interface unit” because the service node does not transmit a command for configuring a report. In the invention, the user interface unit controls the mobile unit, for example by telling the mobile unit what information to include in the automatic report and what format to use. In contrast, Sawyer’s

service node simply downloads data upon receiving some type of signal without configuring the data into a report. Hence, there is no command for configuring a report included in the transmission from the service node.

Furthermore, Sawyer's cellular phone does not correspond to the "mobile unit" because it does not generate a report according to the command from the user interface unit. As stated above, Sawyer's cellular phone just puts in a call to the service node. There is no indication that any aspect of this call is configured by a command from the service node.

The systems described in Lazaridis and Sawyer fundamentally differ from the system of Claim 1 in that they are generally designed for a user at the mobile unit end of the system.

Lazaridis allows a user to receive messages from his mobile device by having the host system redirect messages to the mobile device. Lazaridis' system frees the user so that he does not have to be "chained to" the host system (e.g., a desktop computer) to receive his messages. Similarly, the system described in Sawyer's col. 9, line 45-col. 10, line 4 allows a cellular phone user to receive desired information through his cellular phone at a reduced charge. Between the service node and the cellular phone, the user is at the cellular phone end. Hence, in both Lazaridis and Sawyer, the user is at the mobile device end. In contrast, the system of the invention is designed to benefit a user at the "user interface unit" by allowing him to collect data from one or more remotely-located mobile units without having to chase down the mobile units, e.g. by sitting at a desktop computer. Although this is not a limitation of the invention, it is one way to understand the fundamental differences in the components of the systems described in Lazaridis, Sawyer, and Claim 1.

Claims 2-14 depend from Claim 1 and are thus patentable over Lazaridis for the same reasons as Claim 1.

Applicants respectfully note that the pending Office Action fails to address the argument about Claim 4 that was submitted in the previous Response. In particular, Claim 4 is distinguishable from Lazaridis for the additional reason that it recites "a means for determining a position of the mobile unit." FIG. 3 of the subject Application and its description, for example, shows that a GPS receiver 48 may be included in the mobile unit to determine its position (Application, page 8, lines 13-16). In contrast, there is no mention of determining the position of Lazaridis' mobile device 24. Although last two Office Actions cite to Lazaridis' Col. 8, lines 52-55 as teaching the element of Claim 4, this cited section in fact discusses repackaging and

removing the outer envelope in a message and does not address determining the position of the mobile device 24. Lazaridis fails to teach or suggest determining the position of the mobile unit, and Claim 4 is thus patentable over Lazaridis.

Claim 15 is patentable over Lazaridis because it recites “a detection component for measuring a physical parameter ....” Applicants respectfully note that the argument for Claim 15 that was presented in the previous Response is not adequately addressed in the latest Office Action. As described, for example on Application’s page 5, lines 19-25, a “detection component” may measure speed, air bag status, door status, ambient temperature, etc. and includes probes, sensors, thermometers, etc. Although the pending Office Action cites to Lazaridis’ col. 2, lines 61-65 as teaching “a detection component,” there is no mention of a detection component or measurement of a physical parameter in this cited section. The only detection described in this section is of triggering events such as a screen-saver subsystem or a keyboard subsystem, and these do not concern physical parameters such as mobile unit speed, air bag status, door status, etc. Hence, Lazaridis fails to teach all the elements of Claim 15 and Claim 15 is patentable.

Claim 15 is patentable over Lazaridis for the additional reason that it recites that “the processor is for generating a report incorporating the physical parameter ....” Lazaridis’ mobile device does not generate a report. Furthermore, since Lazaridis’ mobile device does not measure a physical parameter, it cannot generate a report that incorporates a physical parameter.

Claims 16-19 depend from Claim 15 and are thus patentable over Lazaridis for the same reasons as Claim 15.

Claims 17 and 18, in particular, are distinguishable from Lazaridis because they recite “a receiver for receiving positioning information ... to determine a location of the mobile unit.” As explained above in reference to Claim 4, Lazaridis fails to teach or suggest any means of determining the location of its mobile unit 24.

Claim 20 is patentable over Lazaridis and Sawyer because it recites “automatically preparing the report in accordance with the configurations in the command ....” Page 7 of the Office Action acknowledges that Lazaridis does not teach this limitation and points to Sawyer’s col. 9, line 56-col. 10, line 4 as teaching this limitation. However, the cited section in Sawyer does not describe any device that automatically prepares a report in accordance with configurations in a remotely-received command. There are two devices described in the cited

section: the device node and the cellular phone. The device node simply downloads data upon receiving a signal, and it does not prepare a report. The cellular phone, likewise, does not prepare a report because all it does is automatically call the device node upon receiving an offering message. Hence, Claim 20 is distinguishable from Lazaridis and Sawyer.

Claims 21-33 depend from Claim 20 and are therefore patentable over Lazaridis for the same reason as Claim 20.

Claim 34 is canceled.

Claim 35 is patentable over Lazaridis because it recites “means for obtaining physical data and positioning data....” Lazaridis and Sawyer fail to teach or suggest any means for obtaining physical data such as speed, air bag status, door status, etc. Furthermore, as explained above in reference to Claim 4, Lazaridis fails to teach or suggest any means for obtaining positioning data. Sawyer, likewise, fails to teach or suggest obtaining positioning data.

Page 9 of the Office Action acknowledges that Lazaridis does not teach means for receiving a configuration command and states that Sawyer’s col. 9, line 56 to col. 10, line 4 does. However, as explained above, Sawyer does not teach a device that transmits a configuration command or configures a report. Hence, Sawyer also fails to disclose “means for receiving a configuration command.”

### **Conclusion**

Based on the foregoing, Claims 1-33, 35, and 36 are now in condition for allowance. The Director is hereby authorized to charge any deficiency in fees, or credit any overpayment, to Deposit Account No. 50-2257. Please telephone the undersigned attorney at (408) 392-9250 if there are any questions.

Respectfully submitted,

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